

2000 SESSION

INTRODUCED

001348652

HOUSE BILL NO. 1171

Offered January 24, 2000

A BILL to amend the Code of Virginia by adding a section numbered 18.2-268.2.1, relating to blood samples taken by emergency room personnel.

Patron—Bryant

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-268.2.1 and as follows:

§ 18.2-268.2.1. Blood samples taken by emergency room personnel.

A. If the driver of any motor vehicle involved in an accident where there is evidence of alcohol involvement is transported to the emergency room of a hospital or similar facility for treatment and has taken a blood test to measure blood-alcohol content, the emergency room physician or his designee shall, upon request of the investigating law-enforcement officer, inform the officer of the driver's blood-alcohol concentration as indicated by such test. A blood-alcohol concentration of 0.08 percent or more by weight by volume shall constitute probable cause to arrest the driver for a violation of § 18.2-266. The officer shall in any such case, where practicable, place the driver under arrest and direct the physician or his designee to take another blood sample in the officer's presence and in accordance with the provisions of § 18.2-268.5. This sample shall be given to the officer for transmission as set forth in §§ 18.2-268.6 and 18.2-268.7.

B. No person directed by an officer to withdraw blood pursuant to subsection A shall be subject to civil liability for the act of withdrawing blood from the driver, provided the blood was withdrawn according to recognized medical procedures. However, the person shall not be relieved from liability for negligence in the withdrawing of any blood sample. In addition, no person shall be subject to civil liability for reporting test results to an officer as required by subsection A.

C. For purposes of this section, (i) the two-hour limitation set forth in subsection A of § 18.2-268.2 shall not apply and (ii) notwithstanding the provisions of §§ 18.2-268.2 and 18.2-267, the presumptions of § 18.2-269 shall be applicable in any prosecution for a violation of § 18.2-266, or of a substantially similar ordinance.

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